

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-119

v.

HON. JANET T. NEFF

RAJINDER SINGH,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Rajinder Singh has filed a motion for modification or reduction of sentence (Dkt 395) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department filed a Sentence Modification Report ((Dkt 417) which inaccurately found defendant ineligible for a reduction in sentence due to the statutory mandatory minimum controlling the sentence. The parties stipulated (Dkt 427) to the retroactive application of the sentencing amendment and correctly states that the Defendant is eligible for a reduction of sentence.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 417) and the Stipulation (Dkt 427) , the Court has determined that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission. The Government released the mandatory minimum in this case and a sentence modification is appropriate under 18 U.S.C . § 3553. Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 395) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to a term of custody of time served with an effective date of November 1, 2015.

IT IS FURTHER ORDERED that all other aspects of the original judgment order including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

DATED: June 23, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge